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10/661,763	09/11/2003	Timothy H. Heaton	CF/072	8158

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ROPES & GRAY LLP  
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NEW YORK, NY 10036-8704

EXAMINER
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SHRESTHA, BIJENDRA K

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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01/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/661,763

Applicant(s)

HEATON, TIMOTHY H.

Examiner

Bijendra K. Shrestha

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/23/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-16 recite "a graphical user interface comprising a selectable portion of display screen related to a financial instrument, a selectable tab for accessing a selectable portion of a display screen .....". User interface not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. Here, Applicant has claimed a system defined merely by software or terms synonymous with software or files, namely "modules or interface", lacking storage on a medium, which enables any underlying functionality to occur. It is not clear whether instructions are in executable form and therefore there is no practical application. The system has no physical components or structure and is thus considered non-statutory.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Jain et al. U.S. Patent No. 6,343,278 (reference A in attached PTO-892).

5. As per claim 1, Jain et al. teach a graphical user interface comprising:

a selectable portion of a display screen related to a financial instrument (see Fig. 1; column 1, lines 11-16 ; column 3, lines 11-19; where plurality of choices of Forward Rate Agreement (FRA) for a financial instrument US Dollar as a currency is displayed); a selectable tab for accessing a selectable portion of the display screen related to a forward position with respect to the financial instrument wherein when the tab is selected, access is provided to the selectable portion of the display screen related to the forward position (see Figs. 1-3; column 3, lines 51-67).

6. As per claim 2, Jain et al. teach claim 1 as described above. Jain et al. further teach the interface wherein

the portion of the display screen related to the financial instrument reflects market conditions for the financial instrument (see column 2, lines 14-18; column 3, lines 9-13; where FRA is based on forward interest rate which reflect market conditions for the currency).

7. As per claim 3, Jain et al. teach claim 1 as described above. Jain et al. further teach the interface wherein

the portion of the display screen related to a financial instrument (see Fig. 1, USD – Sep98; which shows Tenor Detail Panel (TDP) is related US\$ for the date September 1998) and

the portion of the display screen related to the forward position each reflects market conditions related to the trading of the financial instrument (see Fig 1; where user interface displays plurality of bid and offer options, details of EBS and Trader deals for Forward Rate Agreement (or forward position) of US\$).

8. As per claim 4, Jain et al. teach claim 1 as described above. Jain et al. further teach the interface wherein

the portion of the display screen related to a financial instrument (see Fig. 1, USD – Sep98; which shows Tenor Detail Panel (TDP) is related US\$ for the date September 1998) and

the portion of the display screen related to the forward position each reflects market conditions related to the trading of one of the forward positions (see Fig. 4; where different tenor FRA for different time period indicates market conditions related to trading of forward positions).

9. As per claim 5, Jain et al. teach claim 1 as described above. Jain et al. further teach the interface wherein

the financial instrument is an interest- rate related instrument (see column 1, lines 11-16; column 3, lines 9-11).

10. As per claim 6, Jain et al. teach claim 1 as described above. Jain et al. further teach the interface comprising

a trading state and a forward position state (see Fig. 3; column 7, lines 38-60; where bid and offer position of FRA is shown).

11. As per claim 7, Jain et al. teach claim 6 as described above. Jain et al. further teach the interface wherein

in the trading state, the selectable portion of a display screen related to a financial instrument and the selectable tab are displayed (see Fig. 3; where trading state allows trader to choose Send (SPB) or Quit (QPB)), and

in the forward position state the selectable portion of a display screen related to a financial instrument and the forward position with respect to the financial instrument are displayed (see Fig. 3; where plurality of FRA bid for USD – Jun98 is displayed).

12. As per claim 8, Jain et al. teach claim 1 as described above. Jain et al. further teach the interface wherein

the selectable portion of the display screen related to a forward position with respect to the financial instrument is adapted to display a plurality of forward positions (see Fig. 1; where Tenor Display Panel (TDP) displays plurality of bids for forward positions (FRA) for financial instrument USD – Sep98).

13. As per claim 9, Jain et al. teach claim a graphical user interface for standard settlement position with respect to the financial instrument as described in claim 1 above. Jain et al. further teach non-standard settlement of FRA (see column 3, lines 11-50; where for non-standard FRA, a price inquiry function allows the trader to issue a system-wide broadcast to request price for a broken date FRA).

14. As per claim 10, Jain et al. teach claim 9 as described above. Claim 10 is rejected under same rational as claim 2 described above.

15. As per claim 11, Jain et al. teach claim 9 as described above. Claim 11 is rejected under same rational as claim 3 described above.

16. As per claim 12, Jain et al. teach claim 9 as described above. Claim 12 is rejected under same rational as claim 4 described above.

17. As per claim 13, Jain et al. teach claim 9 as described above. Claim 13 is rejected under same rational as claim 5 described above.

18. As per claim 14, Jain et al. teach claim 9 as described above. Claim 14 is rejected under same rational as claim 6 described above.

19. As per claim 15, Jain et al. teach claim 9 as described above. Claim 15 is rejected under same rational as claim 7 described above.

20. As per claim 16, Jain et al. teach claim 9 as described above. Claim 16 is rejected under same rational as claim 8 described above.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Beurskens (U.S. Patent No. 7,200,572) teaches system and apparatus for pricing a commodity.

Hausman (U.S. Pub No. 2002/0178104) teaches price change of order from reserve in an electronic trading system.

Hausman et al. (U.S. Pub No. 2006/0080216) teach counter party credit limits in computerized trading.

Johnson et al. (U.S. Pub No. 2004/0199459) teach derivative trading methods that use a variable order price and a hedge transactions.

Kimle et al. (U.S. Patent No. 7,124,108) teach method of electronically initiating and managing agricultural production contracts.

Laurent et al. (U.S. Pub No. 2004/0249742) teach computer-implemented trading in freight derivatives and techniques therefor.

May (U.S. Patent No. 6,996,540) teaches system for switch auctions utilizing risk position portfolios or plurality of traders.

Pappas et al. (U.S. Patent No. 7,313,539) teach method and system for reserving future purchases of goods or services).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)270-1374. The examiner can normally be reached on 7:00 AM-4:30 PM (Monday-Friday); 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BKS/3691



HANI M. KAZIMI  
PRIMARY EXAMINER